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2 **UNITED STATES DISTRICT COURT**
3 **EASTERN DISTRICT OF PENNSYLVANIA**
4

5 DARREN DEL NERO,

6 Plaintiff

7 vs.

8 NCO FINANCIAL SYSTEMS, INC.,

9 Defendant.

Case No.: 2:06-cv-04823-RB

ORDER TO SEAL PARTIAL RECORD

[PROPOSED]

10 GOOD CAUSE APPEARING,

11 The Clerk of the Court is directed to SEAL Document 1 consisting of the complaint and
12 its exhibits.

13 IT IS SO ORDERED.

14 Dated:

15 _____
District Court Judge
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1 Darren Del Nero
2 1140 Wall Street, Box 77
3 La Jolla, CA 92038
4 Tel: 916.674.9865

5 Pro Per

6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF PENNSYLVANIA**

8 DARREN DEL NERO,
9 Plaintiff

10 vs.

11 NCO FINANCIAL SYSTEMS, INC.
12 Defendant.

Case No.: 2:06-cv-04823-RB

MOTION TO SEAL PARTIAL RECORD

13 PLEASE TAKE NOTICE, PLAINTIFF, DARREN DEL NERO, hereby files his
14 motion to seal a portion of the record containing private information.

15 **INTRODUCTION**

16 Plaintiff's specially appears before this court since the case has resolved and seeks
17 only to seal a portion of the record. Specifically, Plaintiff was recently notified Document
18 1, Exhibit "A", "B" and "D" all contain financial account numbers. Plaintiff is advised
19 redaction of the record is impossible, and therefore requests sealing of Document 1.
20 Federal Rule of Civil Procedure Rule § 5.2 (a)(4) requires only the last four digits of an
21 account number is allowed. Here, counsel for Plaintiff mistakenly filed the exhibits
22 without redaction. The financial account number is not exempted under § 5.2(d) since it
23 is a private bank's account number and therefore should be sealed.

24 **I. THE PARTIAL RECORD SHOULD BE SEALED SINCE PRIVATE**
25 **INFORMATION IS PRESENT IN THE RECORD**

Privacy rights, along with trade secrets and other limited types of rights, have long
been held to warrant sealing of records. *See, e.g., Nixon v. Warner Communications, Inc.,*

1 435 U.S. at 598; *Brown & Williamson Tobacco Corp. v. F.T.C.* (6th Cir. 1983) 710 F.2d
 2 1165, 117 cert. denied, 465 U.S. 1100 (1984).

3 Federal Rule of Civil Procedure Rule § 5.2 states in pertinent part,

4 (a) Redacted Filings. Unless the court orders otherwise, in an electronic or paper
 5 filing with the court that contains an individual's social-security number, taxpayer-
 6 identification number, or birth date, the name of an individual known to be a
 7 minor, or a financial-account number, a party or nonparty making the filing may
 8 include only:

- 9 (1) the last four digits of the social-security number and taxpayer-identification
 10 number;
 11 (2) the year of the individual's birth;
 12 (3) the minor's initials; and
 13 (4) the last four digits of the financial-account number. (Emphasis added)

14 Rule 5.2(e) provides, inter alia, that “[f]or good cause, the court may by order in a
 15 case...require redaction” of documents filed with the court. Fed. R. Civ. P. 5.2(d) and (e).


16 In the instant case, Document 1 [complaint], Exhibit “A”, “B” and “D” contains
 17 financial account number information.¹ Since it appears redaction post scanning into
 18 PACER is impossible, Plaintiff requests this court seals Document 1.

19 CONCLUSION

20 It is for the above reasons this motion should be granted since the records sought
 21 to be sealed are clearly within the purview of record laws were enacted to prevent being
 22 disclosed. As such Plaintiff requests this motion is granted.

23 Dated: July 9, 2012

24 Respectfully submitted,

25 
 Darren Del Nero
 Plaintiff

¹ Plaintiff requests this court take judicial notice of Document 1. A court may take judicial notice of its own files. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006)

**Case No. 2:06-cv-04823-RB
PROOF OF SERVICE BY MAIL**

I the undersigned declares as follows: I am in the County of San Diego, State of CALIFORNIA where this mailing will occur; I am over the age of eighteen (18) years and not a party to the cause; my business address is 1140 Wall Street, Box 77, La Jolla, Ca 92038.

I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service, and the fact that the correspondence will be deposited with the United States Postal Service that same day in the ordinary course of business.

On July 12, 2012, I served the foregoing **MOTION TO SEAL PARTIAL RECORD AND PROPOSED ORDER** on the interested parties in this action by placing the correspondence in a sealed envelope on this date in the County of San Diego, and placing it for deposit with the United States Postal Service. This sealed envelope with postage fully prepaid was then placed for collection and mailing on this date following ordinary business practices addressed as follows:

**Clerk of the Court
U.S. District Court
601 Market Street, Room 2609
Philadelphia, PA 19106-1797**

**Sessions Fishman Nathan & Israel
3850 North Causeway Boulevard, Suite 200
Metairie, LA 70002-7227**

I certify and declare under penalty of perjury under the laws of the United States of America and State of Pennsylvania that the foregoing is true and correct.

Executed July 12, 2012, at Coronado, California.

